

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ITOPFEE R GAYLE

Write the full name of each plaintiff.

-against-

OLIVIA "LIV" HOFFMAN

EDWARD M. KRATT

DASHWOOD BOOKS

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

18CV3772

(Include case number if one has been assigned)

COMPLAINT

Do you want a jury trial?

☐ Yes ☒ No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

i) FEDERAL TRADEMARK INFRINGEMENT
ii) FEDERAL UNFAIR COMPETITION
iii) COPYRIGHT INFRINGEMENT

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, ITOFFEE R. GAYLE, is a citizen of the State of
(Plaintiff's name)

NEW YORK
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, OLIVIA "LIV" HOFFMAN, is a citizen of the State of
(Defendant's name)

NEW YORK

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of

the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>ITOFFEE</u>	<u>R.</u>	<u>GAYLE</u>
First Name	Middle Initial	Last Name
<u>2010 POWELL AVE APT. 2F</u>		
Street Address		
<u>BRONX,</u>	<u>NEW YORK</u>	<u>10472</u>
County, City	State	Zip Code
<u>917 952 5661</u>	<u>ITOFFEEGAYLE@YAHOO.COM</u>	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: OLIVIA "LW" HOFFMAN
 First Name Last Name
AUTHOR & PHOTOGRAPHER
 Current Job Title (or other identifying information)
LIVHOFFMANPHOTOGRAPHY@GMAIL.COM
 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

Defendant 2: EDWARD M. KRATT
 First Name Last Name
LAWYER FOR OLIVIA HOFFMAN
 Current Job Title (or other identifying information)

 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

Defendant 3: DASHWOOD BOOKS
 First Name Last Name
PUBLISHER
 Current Job Title (or other identifying information)
33 BOND STREET
 Current Work Address (or other address where defendant may be served)
NEW YORK, NY 10012
 County, City State Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIMPlace(s) of occurrence: NEW YORK CITY, NYDate(s) of occurrence: 2016**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

1 THE PLAINTIFF, ITOFFEE R. GAYLE IS THE OWNER OF U.S. TRADEMARK REGISTRATION 5108721 ALONG WITH COPYRIGHT REGISTRATIONS VA 2088822 AND VA 2006958. THIS TRADEMARK & COPYRIGHTED IMAGES APPEAR IN EACH PUBLICATION OF THE DEFENDANT'S BOOK ENTITLED "OPEN NIGHTLY", PUBLISHED BY DASHWOOD BOOKS WITHOUT PERMISSION, COMPENSATION, OR ATTRIBUTION TO THE PLAINTIFF.

2 THE PLAINTIFF, ITOFFEE R. GAYLE, FEELS DISRESPECTED AS AN ARTIST & BUSINESSMAN DUE TO THE DEFENDANT'S DELIBERATE ACTS OF NON COMMUNICATION REGARDING THE USAGE OF PLAINTIFF'S INTELLECTUAL PROPERTY. THE

FACTS STATED AND EVIDENCE INCLUDED IN THIS COMPLAINT ARE SUFFICIENT TO AWARD THE PLAINTIFF, ITDFFEE R. GAYLE \$ 75,000 FOR EACH ACT OF INFRINGEMENT, STATUTORY & PUNITIVE DAMAGES.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

- i) FEDERAL TRADEMARK INFRINGEMENT UNDER 15 USC §1114(a)
 - ii) FEDERAL UNFAIR COMPETITION UNDER 15 U.S.C. §1125(a)
 - iii) UNFAIR COMPETITION & TRADEMARK INFRINGEMENT UNDER RELATED STATE LAWS.
 - iv) COPYRIGHT INFRINGEMENT UNDER 17 U.S.C. §504
- IV. RELIEF et seq.

State briefly what money damages or other relief you want the court to order.

THE FACTS STATED AND EVIDENCE INCLUDED IN THIS COMPLAINT ARE SUFFICIENT TO AWARD THE PLAINTIFF, ITDFFEE R. GAYLE \$75,000 FOR EACH ACT OF INFRINGEMENT, STATUTORY & PUNITIVE DAMAGES.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

4/27/18
 Dated
 ITOFFEE R. GAYLE
 First Name Middle Initial Last Name
 2010 POWELL AVE. APT. 2F
 Street Address
 BRONX NEW YORK 10472
 County, City State Zip Code
 917 952 5661 ITOFFEEGAYLE@YAHOO.COM
 Telephone Number Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

ARTWEALL NYC

V.

OLIVA "LIV" HOFFMAN

Olivia "Liv" Hoffman

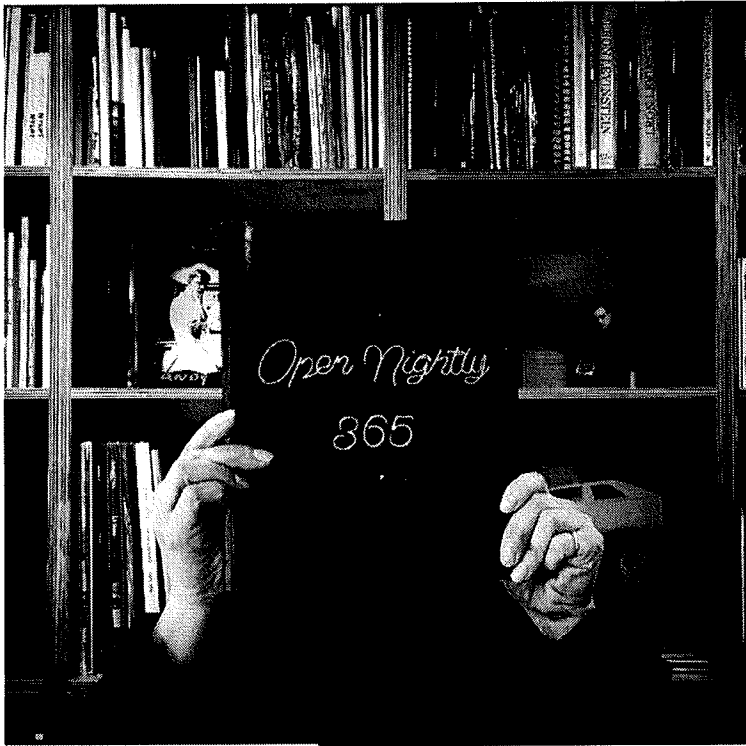
Liv Hoffman, photographer & author of books: 1) Open Nightly 2) Irving Dreams, which includes image of Art we All artwork without consent.

CONTACT INFO

Olivia "Liv" Hoffman
Email livhoffmanphotography@gmail.com

Dashwood Books
33 Bond Street New York NY 10012
212.387.8520
info@dashwoodbooks.com

<http://www.dashwoodbooks.com/advSearchResults.php?authorField=Liv+Hoffman&action=search>
ch



liv.graff

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ins_tagrams77 I want! @yungliv_

yungliv_ Hit up dashwood!! @khaigram77

ins_tagrams77 Ok i will. Thanks @yungliv_

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...



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yungliv_ My book signing is at 1pm
@Independentartbookfair @zeanbot 67
west street come say hi to me!!!

marcellazimmermann So nice to meet
you!!! 🍷🍷

yungliv_ So nice meeting you too!!!
@marcellazimmermann 🍷

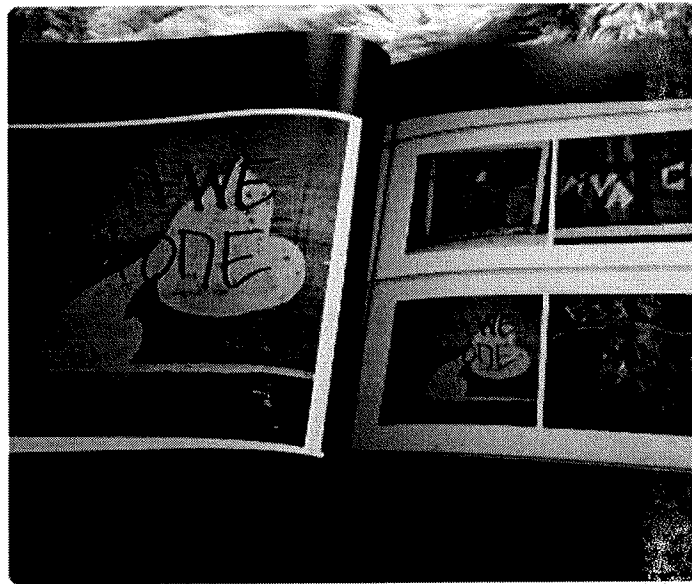
Log in to like or comment.

...

Instagram direct message with Liv Hoffman, 01/05/16, photographer/author of book, Open Nightly, which includes image of Art we All artwork without consent.

Jan 5, 11:52 PM

Why u cover who



Book cover ? What book is
this i cover on ?

liv graff

It's my book



Not a cover